

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA, In and for the County of Cochise

JUDGE: HONORABLE TIMOTHY DICKERSON,
DIVISION: Four
COURT REPORTER: Aaron Schlesinger
INTERPRETER: -----

AMY J. HUNLEY, Clerk of the Superior Court
 by: Angelia Bates (7/23/2019), Deputy Clerk

HEARING DATE: 07/23/2019

<p>STATE OF ARIZONA,</p> <p style="text-align: right;">Plaintiff,</p> <p>VS</p> <p>ROBERT A. SHUCK,</p> <p style="text-align: right;">Defendant.</p>	<p>CASE NO: S0200CR201900196</p> <p>MINUTE ENTRY: JURY TRIAL DAY ONE</p> <p>HEARING START TIME: 8:52 AM HEARING END TIME: 2:08 PM</p>
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State present by: Jason Lindstrom, Deputy County Attorney

Defendant present, out of custody and by: Harry Moore, Deputy Legal Defender

This matter came before the Court this date for a Jury Trial – Day One.

THE RECORD MAY SHOW that the prospective jurors are not present.

THE RECORD MAY FURTHER SHOW that the clerk was presented with the State's exhibits 1-25, at the beginning of the trial to be marked for identification.

At 8:52 a.m., the Court called the case with the presence of Mr. Lindstrom, Deputy County Attorney, the Defendant, Robert Shuck with his attorney Harry Moore, Deputy Legal Defender.

The Court addressed the parties regarding two (2) matters.

1. Mr. Moore stated that the Defendant has requested appointment of new counsel. Mr. Shuck addressed the Court regarding his request for new counsel and inquired as to why a witness was told they had to appear to testify. The Court addressed the Defendant regarding what it means to have a witness subpoenaed. Mr. Moore addressed the Court regarding the Defendant's request for new counsel.

IT IS ORDERED that the Defendant's request for new counsel is **DENIED**. The Court **FINDS** no basis to grant the request and the request is an untimely request.

2. The Court informed the parties that a prospective juror, CHARLOTTE E. WALKER, seemed to be having some health issues and upon inquiry by the Court, counsel agreed to have her excused for hardship.

At 9:02 a.m., the Court called for a brief recess while the bailiff went forward to bring in the prospective jurors.

At 9:10 a.m., the Court reconvened with the presence of Mr. Lindstrom, Deputy County Attorney, the Defendant, Robert Shuck with his attorney, Harry Moore, Deputy Legal Defender, along with the prospective jurors seated in the gallery.

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The clerk administered the oath on *voir dire* to the prospective jurors.

Under the direction of the Court, the clerk called the names of the first twenty-one prospective jurors listed on the random jury list who were seated in the jury box as follows:

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|-----------------------|--------------------------------|
| 1. Brett W. Randolph | 11. Charles S. Reece |
| 2. Angela M. Bueschel | 12. Max K. Hughes |
| 3. Cynthia S. Rodgers | 13. Owen T. Lonsdale |
| 4. Charles T. Shinn | 14. Candace Gilles-Brown |
| 5. Kathy A. Ledesma | 15. Phillip Gonzales |
| 6. Trevor T. Behr | 16. Richard A. Nunez |
| 7. Craig N. Solomon | 17. Edith Mendoza |
| 8. Gregory F. Hoppe | 18. Stephen C. Venghaus |
| 9. Mirna M. Garcia | 19. Ninette D. Snell-Johnstone |
| 10. Betty R. Williams | 20. Patricia A. Cluff |
| | 21. Leland R. Baynes |

The Court thanked the prospective jurors for reporting for jury duty and expressed the importance of jury duty and advised the prospective jurors that the trial was scheduled for three (3) days and presented the schedule of the trial.

The Court introduced the court staff.

Mr. Lindstrom introduced himself.

Mr. Moore introduced himself and the Defendant.

The Court read the statement regarding the charges in the trial and read the list of witnesses that might be called to testify.

The Court examined the panel generally and collectively.

Proposed juror NINETTE SNELL-JOHNSTONE was excused for cause and called in her stead was EDWIN CALAME, who was questioned by the Court.

The Court continued to examine the panel generally and collectively.

The twenty-one member on the panel answered the questions on the board relating to family, employment, hobbies and prior jury service.

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The Court continued to examine the panel generally and collectively.

Mr. Lindstrom *voir dire* the panel.

Mr. Moore *voir dire* the panel.

At the request of the Court, counsel approached the bench.

The Court DECLARES that all twenty-one persons on the panel have been passed for cause and can fairly and impartially serve on the jury.

At 10:17 a.m., the Court called for a short recess, so counsel could make their strikes.

At 10:51 a.m., the Court reconvened with the presence of Mr. Lindstrom, Deputy County Attorney, the Defendant, Robert Shuck with his attorney, Harry Moore, Deputy Legal Defender, along with the prospective jurors and panel seated in the gallery.

Under the direction of the Court, the clerk called the names of nine (9) prospective jurors remaining on the jury list unchallenged. The following were the persons so called:

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|-----------------------|---------------------|
| 1. Brett W. Randolph | 5. Trevor T. Behr |
| 2. Angela M. Bueschel | 6. Gregory F. Hoppe |
| 3. Cynthia S. Rodgers | 7. Charles S. Reece |
| 4. Kathy A. Ledesma | 8. Leland R. Baynes |
| | 9. Edwin R. Calame |

This will be an eight-panel jury with one alternate.

The Court thanked the remaining prospective jurors for their service and excused them.

The clerk administered the oath to the nine jurors.

Under the direction of the Court, the clerk read the counts in the Indictment.

The Court read the Preliminary Instructions to the jury. The Preliminary Instructions were filed in Open Court this date.

Mr. Lindstrom presented Opening Statement.

Mr. Moore presented Opening Statement.

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At 11:40 a.m., the Court called for the noon recess with instructions for everyone to return at 2:00 p.m.

At 2:05 p.m., the Court reconvened with the presence of Mr. Lindstrom, Deputy County Attorney, the Defendant, Robert Shuck with his attorney, Harry Moore, Deputy Legal Defender, along with the jury seated in the jury box.

The Court addressed the Court and informed the jury that there would be no witnesses for the afternoon. The Court reminded the jury of the admonition and informed the jury to return at 9:00 a.m. tomorrow morning.

THE RECORD MAY FURTHER SHOW that the jury has left the courtroom.

Mr. Lindstrom will investigate why the witnesses were not available to testify this date.

At 2:08 p.m., the Court adjourned for the day.

xc: e-mailed (e) by: AB date: 07/24/2019; mailed/distributed by: _____ date: _____
☒ County Attorney (e) ☒ Legal Defender (e) ☒ DIV Four JAA (e) ☒ APO (e) ☒ Jury (e)